REMARKS

Claim 2 is in the case. Claim 5 is being cancelled by this amendment.

The present amendment was suggested by Examiner Fay in a telephone call on Aug. 20, 2008. During the telephone call, Examiner Fay indicated that this amendment will put the case in condition for allowance. Certain symptoms, namely fatigue, feeling worn out, distress, and loss of ability to resume normal activities, were included in the Markush group of claim 5, but are not included in the new Markush group in claim 2. Applicants believe they have demonstrated that the method reduces these symptoms as well as the ones recited in claim 2 but they have agreed to the suggested amendment in order to expedite prosecution of this patent application in view of the indication of allowability of the amended claim. Claim 2 covers administering modafinil after general anesthesia in a dose effective to reduce one or more of mental clouding, loss of reading comprehension, loss of mental alertness, and inability to concentrate symptoms. The reduction of other symptoms such as fatigue in addition to the recited ones is clearly within the intended scope of the claim.

For these reasons, reconsideration and withdrawal of the rejection of the present claims is solicited.

Respectfully submitted

/Michael B Fein/

By: Michael B. Fein
Reg. 25,333

COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Phone: 215 665-4622
Fax: 215-701-2246